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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY RAY IVEY, JR.,

Defendant and Appellant.

E049561

(Super.Ct.No. FVA027350)

OPINION

APPEAL from the Superior Court of San Bernardino County. Arthur Harrison,  
Judge. Affirmed.

John L Staley, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

On January 26, 2007, defendant and appellant Anthony Ray Ivey, Jr., pled guilty  
pursuant to a plea agreement to one count of assault with a deadly weapon. (Pen. Code,

§ 245, subd. (a)(1).<sup>1</sup> That same day, defendant was sentenced to probation for a period of three years under specified conditions. On October 23, 2009, the trial court found that defendant violated term No. 3, and his probation was revoked. Defendant agreed to waive his section 4019 conduct credits, and was sentenced to 365 days in county jail, with credit for 238 days served.

Defendant filed a notice of appeal following his sentencing. We affirm.

### FACTUAL AND PROCEDURAL BACKGROUND

On October 26, 2006, defendant was charged with second degree robbery (§ 211, count 1), assault with a deadly weapon (§ 245, subd. (a)(1), count 2), and second degree commercial burglary (§ 459, count 3). On December 27, 2006, defendant entered a plea bargain and pled guilty to count 2. In exchange, the trial court dismissed counts 1 and 3. On January 26, 2007, defendant was sentenced to three years' probation. His probation conditions included the requirements that he serve 270 days in county jail (term No. 1), and "[r]eport to the [probation] officer in person immediately upon release from custody and thereafter once every fourteen (14) days or as directed" (term No. 3). Defendant was assigned to the San Bernardino County Probation Office, San Bernardino office, and reported "many times."

On July 30, 2009, defendant's case was transferred to the Rancho Cucamonga office and assigned to Probation Officer Richard Brower. That same day, Officer Brower sent three letters regarding setting an appointment date of August 4, 2009, to the

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise indicated.

addresses listed by defendant in the file. One of the letters was sent to defendant's most recent address, 13576 Williamson Road in Rancho Cucamonga (defendant's residence). Defendant did not report as directed on August 4, 2009. Officer Brower attempted to conduct a home visit on August 6, 2009, at defendant's residence. He rang the doorbell and knocked on the door, however no one answered. After several minutes, he left his business card on the door, with the instructions, "Contact probation officer immediately upon receiving this." Officer Brower also tried calling defendant using the phone numbers provided by defendant. Two of the numbers were disconnected, and the third one just rang with no voicemail.

On September 4, 2009, defendant reported to the Rancho Cucamonga probation office, but Officer Brower was in the field. Defendant did not have an appointment. He asked for a report form. Defendant listed his residence as "homeless" and did not provide any phone numbers. On September 25, 2009, defendant again reported to the probation office without an appointment asking for bus passes. On September 29, 2009, Officer Brower had his first physical contact with defendant, when defendant appeared at his office wishing to speak with him. Officer Brower asked defendant if he had received the business card he left at his residence; defendant said he did receive the card. Defendant also said that he was going through personal problems and did not have time to contact Officer Brower at that time.

A probation revocation hearing was held on October 23, 2009, and, after hearing testimony from Officer Brower and defendant, the trial court found that defendant had

violated term No. 3. It revoked defendant's probation and sentenced him to 365 days in county jail, with credit for 238 days served.

### DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and requesting this court undertake a review of the entire record. Counsel did not identify any potentially arguable issues.

We offered defendant an opportunity to file a personal supplemental brief. Defendant filed a one-page letter claiming that he was not given a fair trial, that he was wrongfully imprisoned, and that he is seeking compensation for his imprisonment. He also listed past honors, awards, and achievements he had received. Defendant does not support his contentions with any argument or citations. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, 120-121, we have independently reviewed the record for potential error.

We have now concluded our independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST  
Acting P. J.

We concur:

McKINSTER  
J.

KING  
J.